

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)



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Applicant's or agent's file reference 04PP088	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/KR2004/001435	International filing date(day/month/year) 16 JUNE 2004 (16.06.2004)	Priority date (day/month/year) 21 JUNE 2003 (21.06.2003)
International Patent Classification (IPC) or national classification and IPC IPC7 C12Q 1/68		
Applicant LEE, Kyung-Lim et al		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 3 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the report
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 11 JANUARY 2005 (11.01.2005)	Date of completion of this report 29 SEPTEMBER 2005 (29.09.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer SHIN, Kyoung A Telephone No. 82-42-481-5589 

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/001435

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☒ This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☒ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/001435

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	10 - 16	YES
	Claims	1 - 9	NO
Inventive step (IS)	Claims	10 - 16	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 16	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following document:

D1: WO 02/22170 A1 (21 March 2002)

Claims 1-9 of the present invention relate to a screening composition of an anti-hypertension including a mammalian TCTP (translationally controlled tumor protein) of sequence equation (1) and a mammalian TCTP protein of sequence equation (2) and the screening method. Claims 10-16 relate to a TCTP transgenic mouse having hypertension and heart hypertrophy injected with mammalian TCTP genes of sequence equation (1) and a method of manufacturing the same.

D1, which has been published before the priority date of the present invention, discloses a screening method of anti-hypertension from a controlling substance of quantitative change of TCTP protein expressed from a mammalian TCTP gene which is the same to sequence equation (2) of the present invention.

1. Novelty

The mammalian TCTP gene of sequence equation (1) and (2), the screening composition of anti-hypertension including TCTP protein and the screening method of anti-hypertension using said composition of claims 1-9 of the present invention are the same as the subject matter of D1. Thus claims 1-9 are not novel under PCT Article 33(2).

2. Inventive Step

A transgenic mouse injected with mammalian TCTP genes of sequence equation (1) and the method of the same of claims 10-16 cannot be easily invented by a person skilled in the art with the teaching of the prior art. Thus claims 10-16 are inventive under PCT Article 33(3).

3. Industrial Applicability

Claims 1-16 are industrially applicable under PCT Article 33(4).